

HOUSE BILL NO. 387.

Executive Office,
State of Texas,
Austin, April 24, 1905.

To the Secretary of State:

I disapprove and herewith transmit House Bill No. 387, entitled "An Act to create and establish a 'Confederate Woman's Home' for the indigent wives and widows of the ex-Confederate soldiers and sailors of Texas; and to make an appropriation for the maintenance of the same, and to provide for a governing board."

I give notice and publicly proclaim that I object to this bill, and it is hereby vetoed for the following reasons:

It is in conflict with Section 51, Article 3, of the Constitution. This is made manifest by reference to the original Section 51 as incorporated in the Constitution of 1876 in connection with the amendment thereto adopted in 1894 and the one adopted in 1898.

The original section mentioned reads as follows: The Legislature shall have no power to make any grant or authorize the making of any grant of public money to any individual, association of individuals, municipal or other corporations, whatsoever; provided that this shall not be so construed as to prevent the grant of aid in case of public calamity." Afterwards, when it was proposed to grant aid to the establishment and maintenance of a home for indigent and disabled Confederate soldiers and sailors, it was found necessary to adopt the amendment of 1894. Still later, when it was desired to further provide a pension for such soldiers and sailors and their widows in indigent circumstances, it became necessary to adopt the amendment of 1898.

It will be observed that the amendment of 1894 authorized the Legislature "to grant aid to the establishment and maintenance of a home for indigent and disabled Confederate soldiers or sailors."

The amendment of 1898 added a further provision authorizing the Legislature to grant aid to indigent and disabled Confederate soldiers and sailors and "their widows in indigent circumstances;" providing that the same should not exceed \$8.00 per month. This clearly refers to the pensions which were afterwards provided for by the Legislature by virtue of this amendment.

This Section 51, Article 3, of the Constitution, as now amended, expressly authorizes the granting of pensions to such soldiers and sailors and their widows, and also expressly authorizes the Legislature to grant aid to the establishment and maintenance of a home

for said soldiers and sailors.

These provisions are exceptions to the general inhibition that "The Legislature has no power to make any grant or authorize the making of any grant of public money to any individual, association of individuals, municipal or other corporation whatsoever."

It will be seen that there is not only no express authority for the grant of aid to the establishment and maintenance of a home for the wives and widows of Confederate soldiers and sailors, but there is by clear implication a denial of such authority. This bill proposes to create, establish, maintain and make an appropriation for a Confederate Woman's Home, not only for the indigent widows, but for the wives of the ex-Confederate soldiers and sailors of Texas.

I believe this bill to be unconstitutional and am hence unable to give it Executive approval.

S. W. T. LANHAM,
Governor.